

DRRT

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Attorneys for Creditors
DRRT CLAIMANTS

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re

PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects Both Debtors

* All papers shall be filed in Lead Case 19-30088-DM

BK Case No.: 19-30088-DM (Lead Case)
(Jointly Administered)

Chapter 11

**DECLARATION OF JONATHAN
MOUSSAVOU IN SUPPORT OF AMENDED
MOTION FOR RELIEF FROM ORDERS BY
DEFAULT DISALLOWING AND
EXPUNGING PROOFS OF CLAIMS
PURSUANT TO REORGANIZED
DEBTORS' ELEVENTH AND
THIRTEENTH SECURITIES CLAIMS
OMNIBUS OBJECTIONS (CLAIMS
BARRED BY THE STATUTE OF REPOSE)**

Date: January 18, 2022
Time: 10:00 a.m.
Location: Telephonic / Videoconference
Judge: Honorable Dennis Montali



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BK CASE NO. 19-30088-DM

DECLARATION OF JONATHAN MOUSSAVOU IN SUPPORT OF AMENDED MOTION FOR RELIEF FROM ORDERS BY DEFAULT DISALLOWING AND EXPUNGING PROOFS OF CLAIMS PURSUANT TO REORGANIZED DEBTORS' ELEVENTH AND THIRTEENTH SECURITIES CLAIMS OMNIBUS OBJECTIONS (CLAIMS BARRED BY THE STATUTE OF REPOSE)

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1 I, Jonathan Moussavou, hereby declare as follows:

2 1. I am employed by DRRT as the Director of Operations for the Claim Filing
3 Division of DRRT. In that capacity, I am the individual that receive all incoming mailing related
4 to claims filed by DRRT in all jurisdictions, including mail related to the cases filed under Title
5 11, Chapter 11 of the United States Code for PG&E Corporation and Pacific Gas and Electronic
6 Company (collectively, "Debtor"). Further, in that capacity, I am also familiar with the
7 procedures by which the records, letters, and memoranda contained in DRRT's files are prepared
8 and maintained. DRRT's records, letters, and memoranda referenced herein or attached hereto
9 were made either by persons with knowledge of the matters they record or from information
10 supplied by persons with such knowledge, and are made at or about the time of the event
11 recorded. It is DRRT's practice to maintain records, letters, and memoranda in the regular
12 course of its business. The documents contained and referenced in this declaration are business
13 records that are prepared, produced, and maintained in this above-described manner. I have
14 reviewed the documents referenced in this declaration. Except as otherwise specifically stated in
15 this Declaration, the facts set forth herein are based on personal knowledge obtained from my
16 review of DRRT's files and records relating to Debtor, and if called as a witness, I could and
17 would be competent to testify to these facts.

18 2. I make this declaration in support of the *Amended Motion for Relief from Orders*
19 *by Default Disallowing and Expunging Proofs of Claims Pursuant to Reorganized Debtors'*
20 *Eleventh and Thirteenth Securities Claims Omnibus Objections (Claims Barred by the Statute of*
21 *Repose)* (the "Motion") filed by DRRT as the duly appointed claims filing representative for
22 individual claimants Bayerninvest Kapitalverwaltungsgesell Schaft MBH, Credit Suisse Funds
23 AG, Deka Investment GMBH, Giam Generali Insurance Asset Management, Helaba Invest
24

25 hearing date for the motion or application must state that the hearing will not be conducted in the presiding judge's
26 courtroom but instead will be conducted by telephone or video, and include the following language: 'All interested
27 parties should consult the Bankruptcy Court's website at www.canb.uscourts.gov for information about court
28 operations during the COVID-19 pandemic. The Bankruptcy Court's website provides information regarding how
to arrange a telephonic or video appearance. If you have any questions regarding how to appear at a court hearing,
you may contact the Bankruptcy Court by calling 888-821-7606 or by using the Live Chat feature on the
Bankruptcy Court's website.'" See [https://www.canb.uscourts.gov/sites/default/files/generalorders/Seventh](https://www.canb.uscourts.gov/sites/default/files/generalorders/SeventhAmendedGO38.pdf)
AmendedGO38.pdf.



Kapitalanlagegesellschaft MBH, Internationale Kapitalanlagegesellschaft MBH, Internationale Kapitalanlagegesellschaft MBH, Kaiser Permanente, Metzler Asset Management GMBH, Swiss Reinsurance Company Ltd., UBS Fund Management (Switzerland) AG, UBS Fund Management Luxembourg S.A., Meag Munich Ergo Kapitalanlagegesellschaft MBH, (collectively, the “DRRT Claimants”) in the above-captioned matter.

3. DRRT is an international law firm comprised of two (2) separate divisions – (a) the law firm department staffed by a team of lawyers along with support staff, secretaries, and paralegals (the “Law Firm”); and (b) the claim filing department staffed by support staff with the law firm acting as management and oversight of the department (the “Claims Department”).

4. The Claims Department has significant experience filing claims in securities class action litigation, which comprises approximately ninety percent (90.00%) of all claims that are filed by the Claims Department. In security class action litigation, typically, there is a three (3) month preparation period for claims, and over one (1) month to respond to deficiencies or audits raised by the Claims Administer. However, claims filed in class action litigation are not generally subject to a formal objection raised in the applicable tribunal, in which the claimant is required to file timely opposition and present legal arguments in defense of the claim.

5. In class action litigation, it is the normal practice of DRRT to: (a) notify clients of the relevant class action settlement and request that the client provide their relevant transaction data relating to the securities of the settling entity; (b) review and clean the transaction data to comply with the applicable format requested by the Claims Administrator; (c) prepare and review proof of claim forms; (d) file the proof of claims; (e) respond to any and all requests made by the Claims Administrator; and (f) remit payment to the clients.

6. In class action litigation matters, DRRT, in its role as an authorized claims filer for its clients, typically does not file an appearance with the Court as a party representative. As such, DRRT does not receive notifications (physical or electronic) of pleadings filed in class action litigation directly from the online case dockets (such as CM/ECF).

7. Generally, in class action litigation matters, most notices are transmitted electronically from the Claims Administrator to the Claims Department, which helps streamline

1 the process of tracking settlements, notifying clients, collecting the relevant documents and
2 information, and filing claims.

3 8. Starting in or about March 20, 2020 and lasting through September 2021, as a
4 result of the COVID-19 global pandemic, approximately fifty percent (50.00%) of staff for the
5 Claims Department was working in the office while the remaining fifty percent (50.00%) of the
6 staff for the Claims Department was working remotely at home. These reduced staffing levels in
7 the office of DRRT caused delays in the Claims Department processing mail received during this
8 period.

9 9. On average, DRRT represents clients in one (1) bankruptcy case every two (2)
10 years, and the process for bankruptcy claims is generally the same process for class action
11 litigation claims, such that DRRT receives client data, prepares and files proof of claims, and
12 monitors the case through notifications from the Claims Administrator consistent with the
13 process outlined in Paragraph (5) above.

14 10. In the above-captioned matter, DRRT received notice of the *Reorganized*
15 *Debtors' Eleventh Securities Claims Omnibus Objection (Claims Barred by the Statute of*
16 *Repose)* (the "11th Omnibus Objection") (Dkt. No. 11014) and the *Reorganized Debtors'*
17 *Thirteenth Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)* (the
18 "13th Omnibus Objection") (Dkt. No. 11085) via regular first class mail from the United States
19 Postal Service (USPS), and did not receive electronic notice from the applicable Claims
20 Administrator or from Notice of Electronic Filing (NEF) in the Bankruptcy Case. However, the
21 reduced staffing levels as set forth in Paragraph 8 caused delays in the Claims Department's
22 review of the 11th Omnibus Objection and the 13th Omnibus Objection.

23 11. At such time that the Claim Department opened and processed the 11th Omnibus
24 Objection or the 13th Omnibus Objection, which was after the deadline to file timely opposition,

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1 the Claims Department immediately notified the Law Firm, which I am informed and believe,
2 undertook immediate action to seek the relief requested in the Motion.

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4
5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 Executed on this 20 day of December, 2021 at Miami, Florida.

8
9 By: Jonathan Moussavou
Jonathan Moussavou